

**Electronically Recorded**

Official Public Records

Tarrant County Texas

2009 Jun 23 11:20 AM

Fee: \$ 40.00

Submitter: SIMPLIFILE

**D209166198**

7 Pages

**AMENDMENT TO OIL AND GAS LEASE**

(To Correct Land Description)

**Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: Your social security number or your driver's license number.**

**STATE OF TEXAS****COUNTY OF TARRANT**

**LESSOR: NED Joint Venture  
625 John Charles Dr.  
Burleson, TX 76028**

**LESSEE: Finley Resources, Inc.  
P.O. Box 2200  
Fort Worth, TX, 76113**

**Effective Date: December 11, 2005**

**WHEREAS**, NED Joint Venture, a Texas Joint Venture, hereinafter referred to as "Lessor" (whether one or more), heretofore executed an Oil and Gas Lease dated March 9, 2006 to Finley Resources hereinafter referred to as "Lessee", recorded at Document No. D206083410 of the Official Public Records of Tarrant County, Texas and hereinafter referred to as "the Lease".

**WHEREAS**, said Lessor has conveyed all mineral interest covered by the Lease and is now owned by the following parties, to wit:

LLVM, Ltd., a Texas limited partnership, 61.7%; C. Dianne Wooley, 33.3%; and Nicholas M. Rose and wife, Kay Geis Rose, 5%, hereinafter referred to as "Successor Lessors".

**WHEREAS**, Lessee, named above, and XTO Energy Inc., are the present owners of an Oil and Gas Lease (the "Lease"), dated March 9, 2006, from Lessor, named above, which Lease is recorded in D206083410 of the Official Public Records of the county and state named above, and amended in counterparts in that certain document recorded as Document No'(s). D208233256, D280233257, and D208233258 of the Official Public Records of the county and state named above. Finley Resources, Inc. made a partial assignment of this lease to XTO Energy Inc. in Partial Assignment of Oil, Gas and Mineral Leases dated March 16, 2009, recorded in Instrument No. D209105034 of the Official Public Records of the county and state named above.

At the time the Lease was entered into, the description of the lands contained in the Lease was believed by Lessor and Lessee to cover, and was intended by them to cover, certain lands owned by Lessor.

Since the execution, delivery, and recording of the Lease, it has been discovered that the description of lands contained in the Lease does not adequately describe the lands Lessor and Lessee intended to be covered by the Lease. Lessor and Lessee desire to amend and correct the description of the lands contained in the Lease to accurately identify the lands to be covered by and subject to the terms of the Lease.

For adequate consideration, and the further consideration of the obligations and agreements contained in the Lease, Lessor acknowledges and agrees that the Lease shall cover, and the Lease is

D209166198

amended, so that it now covers the following lands in the county and state named above:

**15.6471 acres**, more or less, being a part of Lot 1, and all of Lot 2, Block 9, Shady Oaks Manor, Section II, including that portion of Shady Oaks Manor Drive and Quebec Street adjoining said lots, as shown on the plat thereof recorded in Volume 388-44, Page 50, of the Plat Records of Tarrant County, Texas, being more particularly described in Exhibit "A", and as depicted on a Plat being Exhibit "B" attached hereto for all purposes.

Lessor ratifies, adopts, and confirms the Lease and extends the Lease to cover the lands described in this Amendment as if the description of lands set out above had been originally included in the Lease. Lessor grants, leases, and lets to Lessee, its successors and assigns, the lands described in this Amendment for the purposes of and on the terms, conditions, and provisions contained in the Lease.

This Amendment shall be binding for all purposes on Lessor and Lessor's successors, heirs and assigns.

This Amendment is signed by Lessor and Lessee as of the date of the acknowledgment of their signatures below, but is effective for all purposes as of the Effective Date stated above.

**SUCCESSOR LESSOR :**

LLVM, Ltd., a Texas limited partnership,

By: *Lyle Freedman*

Printed Name: LLVM, LTD

Title: general manager

**SUCCESSOR LESSOR :**

C. Dianne Wooley

By: *C Dianne Wooley*

Printed Name: C DIANNE WOOLEY

Title: \_\_\_\_\_

**SUCCESSOR LESSOR :**

Nicholas M. Rose

By: *Nick M Rose*

Printed Name: NICK M ROSE  
NICHOLAS M ROSE

Title: \_\_\_\_\_

**SUCCESSOR LESSOR :**

Kay Geis Rose

By: *Kay Geis Rose*

Printed Name: KAY Geis ROSE

Title: \_\_\_\_\_

**CURRENT LESSEE:**

XTO Energy Inc.

By: *Edwin S. Ryan Jr.* *251*

Edwin S. Ryan Jr.  
Sr. Vice President – Land Administration

**CURRENT LESSEE:**

~~XTO~~ Finley Resources, Inc.

By: *Stephen M. Clark*

Printed Name: Stephen M. Clark

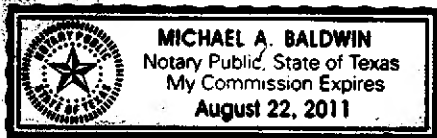
Title: LFO

THE STATE OF TEXAS

COUNTY OF TARRANT

Before me, the undersigned authority, on this day personally appeared LYKE FREEDMAN, the GENERAL MANAGER of LLVM, Ltd, a Texas limited partnership, known to me to be the identical person whose names subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11<sup>th</sup> day of MAY, 2009.



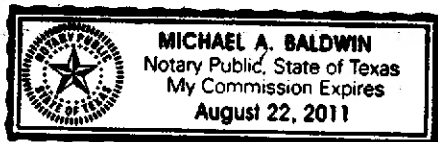
[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF DALLAS

Before me, the undersigned authority, on this day personally appeared C. Dianne Wooley, known to me to be the identical person whose names subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 28<sup>th</sup> day of MAY, 2009.



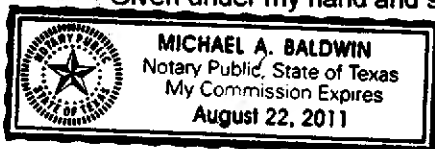
[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TARRANT

Before me, the undersigned authority, on this day personally appeared Nicholas M. Rose, known to me to be the identical person whose names subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11<sup>th</sup> day of MAY, 2009.



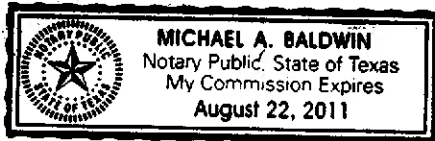
[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TARRANT

Before me, the undersigned authority, on this day personally appeared Kay Geis Rose, known to me to be the identical person whose names subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11<sup>th</sup> day of May, 2009.



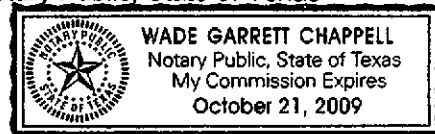
[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on the 18<sup>th</sup> day of June, 2009,  
by Stephen M. Clark, the CFO of FINLEY RESOURCES, INC., on  
behalf of said corporation.

[Signature]  
Notary Public, State of Texas



THE STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on the 10<sup>th</sup> day of June, 2009,  
by Edwin S. Ryan, Jr., the Sr. VP-Land Administration of XTO ENERGY, INC., on behalf of  
said corporation.



[Signature]  
Notary Public, State of Texas

# EXHIBIT “A”

## DESCRIPTION OF PROPERTY SURVEYED

SITUATED in the City of Fort Worth, Tarrant County, Texas, and being a part of LOT 1, and all of LOT 2, in Block 9, SHADY OAKS MANOR, Section II, as shown on plat thereof recorded in Volume 388-44, Page 50, of the Tarrant County, Plat Records, and a tract of land in the JOSE MARIA BASQUIS SURVEY, Abstract No. 85, and being that same tract conveyed to the Lake Worth Independent School District by deed recorded in Volume 12643, Page 768, of the Tarrant County Deed Records, and all being more fully described as follows:

BEGINNING at a ¾” iron rod found in place for the most southerly southwest corner of said Lot 1, said point being the south end of a corner clip portion at the northerly right-of-way of Shady Oaks Manor Drive, (normally 60 feet wide) near its intersection with the easterly line of Quebec Street;

THENCE North 67 degrees, 12 minutes, 10 seconds West with said corner clip in said northerly line of Shady Oaks Manor Drive and a southwesterly line of said Lot 1, 26.05 feet to the most westerly southwest corner of said Lot 1 in said easterly line of Quebec Street (variable width right-of-way) as shown on plat of said street recorded in Volume 388-184, Page 95, of said Plat Records, said point being on a curve whose center bears South 69 degrees, 48 minutes, 16 seconds West, 381.93 feet;

THENCE northwesterly with said curve, and with the southwesterly line of said Lot 1 and said easterly line of Quebec Street, a distance of 88.40 feet to the end of said curve, from which point a 5/8” iron rod found in place in the westerly line of said Quebec Street bears South 60 degrees, 28 minutes, 30 seconds West, 60.30 feet;

THENCE North 32 degrees, 09 minutes, 15 seconds West, continuing with said southwesterly line of Lot 1 and easterly line of Quebec Street, 63.08 feet to the beginning of a curve whose center bears North 57 degrees, 52 minutes, 43 seconds East, 2962.45 feet;

THENCE northwesterly with said curve and continuing with said southwesterly line at Lot 1 and easterly line of Quebec Street, a distance of 105.58 feet;

THENCE North 59 degrees, 32 minutes, 15 seconds East, to and continuing with the southeasterly line of Lot 1A, in said Block 9, as shown on plat thereof recorded in Volume 388-203, Page 54, of said Plat Records, in all 170.53 feet to a ½” iron rod found in place for the southeast or east corner of said Lot 1A;

THENCE North 30 degrees, 23 minutes, 25 seconds West with the northeasterly line of said Lot 1A, 175.44 feet to the northeast or north corner of said Lot 1A in the southeasterly line of the Jim Wright Freeway (Interstate Highway 820) [variable width right-of-way], said point being on a curve whose center bears North 32 degrees, 38 minutes, 46 seconds West, 2894.79 feet, and from which northeast corner a broken Texas Department of Transportation (TxDOT) monument found in place for the north northwest corner of said Lot 1A bears south 58 degrees, 09 minutes, 25 seconds West, 81.13 feet;

THENCE northeasterly with said curve and with said southeasterly line of Jim Wright Freeway and with the northwesterly line of said Lake Worth ISD tract, a distance of 83.36 feet to a TxDOT monument found in place for the end of said curve.

THENCE northeasterly with said northwesterly line of Lake Worth ISD tract and southeasterly line of Jim Wright Freeway, the following courses and distances;

North 55 degrees, 43 minutes East (base bearing from TxDOT right-of-way maps and deeds), 573.15 feet to an angle point in said northwesterly and southeasterly lines;

North 67 degrees, 01 minutes East, 50.99 feet to an angle point in said northwesterly and southeasterly lines;

North 55 degrees, 43 minutes East, crossing the northwesterly line of said Lot 1, continuing in all 150.0 feet to an angle point in said northwesterly line of Lake Worth ISD tract and southeasterly line of Jim Wright Freeway; and,

North 44 degrees, 25 minutes East, 50.99 feet to an angle point in said northwesterly and southeasterly lines, from which point a TxDOT monument bears South 21 degrees West, 0.7 foot;

North 55 degrees, 43 minutes East, at 238.05 feet passing 0.1 foot left of a TxDOT monument, at 448.58 feet passing a TxDOT monument on line, continuing in all 771.36 feet to a TxDOT monument found in place at the beginning of a curve whose center bears South 34 degrees, 16 minutes, 46 seconds East, 924.93 feet and northeasterly with said curve, a distance of 340.54 feet to the northeast corner of said Lake Worth ISD tract and the northwest corner of Lot3-B, 1 said Block 9, as shown on plat thereof recorded in Volume 388-95, Page 10, of said Plat Records, from which point a TxDOT monument found in place for the end of said curve bears North 76 degrees, 55 minutes East, 3.4 feet;

THENCE South 8 degrees, 49 minutes, 25 seconds East with the most easterly east line of said Lake Worth ISD tract and with the west line of said Lot 3-B, 41.56 feet to a  $\frac{3}{4}$ " iron rod found in place for the most easterly southeast corner of said Lake Worth ISD tract and a northeast corner of a remainder of Lot 3, said Block 9, as platted by said plat recorded in Volume 388-44, Page 50, of said Plat Records, said remainder conveyed to the City of Fort Worth by deed recorded in Volume 12713, Page 31, of said Deed Records;

THENCE South 61 degrees, 35 minutes, 30 seconds West with the northeasterly line of said City of Fort Worth portion of Lot 3 for a southwesterly line of said Lake Worth ISD tract, 308.07 feet to the northwest corner of said Lot 3 and the northeast corner of said Lot 2;

THENCE South 28 degrees, 36 minutes, 50 seconds East with the common line between said Lots 2 and 3, 321.90 feet to the common south corners of said Lot 2 and 3 in the northerly line of said Shady Oaks Manor Drive, said point being on a curve whose center bears South 41 degrees, 05 minutes, 11 seconds East, 500.0 feet;

THENCE generally westerly with said northerly line of Shady Oaks Manor Drive and with the southerly lines of said Lots 2 and 1, the following courses and distances;

Southwesterly with said curve, a distance of 220.0 feet to a  $\frac{3}{4}$ " iron rod found in place for the end of said curve;

South 23, degrees, 44 minutes, 35 seconds West 115.0 feet to the beginning of a curve whose center bears North 66 degrees, 03 minutes, 28 seconds West, 280.0 feet;

Westerly and northwesterly with said curve, a distance of 422.84 feet to the end of said curve, from which point a bent  $\frac{1}{2}$ " iron rod bears North 42-1/2 degrees West, 0.73 foot;

North 69 degrees, 13 minutes, 40 seconds West, 85.0 feet to the common south corners of said Lots 2 and 1, and the beginning of a curve whose center bears South 19 degrees, 55 minutes, 34 seconds West 455.0 feet, and from which point a leaning  $\frac{3}{4}$ " iron rod bears South 2 degrees East, 0.2 foot;

Westerly and southwesterly with said curve, a distance of 660.12 feet to a  $\frac{3}{4}$ " iron rod found in place at the end of said curve;

South 26 degrees, 45 minutes, 25 seconds West, 299.98 feet to a  $\frac{5}{8}$ " iron rod found in place for the beginning of a curve whose center bears North 63 degrees, 05 minutes, 37 seconds West, 440.0 feet; and,

Southwesterly with said curve, a distance of 271.81 feet to the PLACE OF BEGINNING, and containing 15.6471 acres (681,589 square feet).

**This description prepared to accompany a survey map of the described property.**

# SURVEY EXHIBIT "B"

